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S.B. CIVIL MISC. APPEAL NO.1771/2006.
Akash Kumar Vs. Smt. Om Kumari

Date of Order :: 15th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Pradeep Shah, for the appellant.
Mr. R.R. Nagori, for the respondent.

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Though this appeal has been submitted by the defendant-tenant against the order dated 25.05.2006 passed by the Additional District Judge, Abu Road (Sirohi) in Civil Original Suit No.29/2000 allowing application of the plaintiff-respondent filed under Section 13(5) of the Rajasthan Premises (Control of Rent & Eviction) Act, 1950; however, during the course of submissions in this appeal, learned counsel for the parties have submitted that in this matter concerning eviction from suit premises, the parties have arrived at a settlement whereby it has been agreed that the appellant-tenant shall vacate and shall hand over vacant and peaceful possession of the suit premises to the plaintiff-respondent on or before 31.03.2009; and that he shall make payment of the entire arrears of rent, if any; and shall continue to make payment of the rent at the rate of Rs.2,100/- per month to the plaintiff-respondent either directly or by depositing in her bank account.

Having regard to the subject matter of the litigation, the propositions as stated by the learned counsel for the parties seem just, proper and reasonable and in the interest of both the parties. In view of the consensus arrived at between the parties, practically no lis survives. However, as the civil suit is pending before the trial court, it appears proper that appropriate application for recording the terms of settlement and for passing of decree in terms thereof be placed before the trial court only.

In view of the aforesaid, the present appeal is dismissed as redundant; however, with the observations aforesaid and with directions to the learned trial court to permit the parties to place the terms of settlement on record and to pass a decree in terms thereof.

(DINESH MAHESHWARI), J.

//Mohan//